SUPREME COURT OF THE UNITED STATES.

No. 51.

DAVID ROSS'S LESSEE, PLAINTIFF IN ERROR,

VERSUS

CHARLES McCLUNG.

IN ERROR TO THE CIRCUIT COURT U. S. FOR THE DISTRICT OF EAST TENNESSEE.

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Be it remembered, that, at rules held at Knoxville, in the Clerk's office for the circuit court of the United States for the seventh circuit and district of East Tennessee, on the first Thursday after the third Monday of April, 1816, the following capias ad respondendum was returned, to wit:

The President of the United States to the Marshal of East Tennessee district, greeting:

You are hereby commanded to take Anne Hackett, if to be found in your district, and her safely keep, so that you have her body before the Honorable the Judges of the court of the United States for the seventh circuit in the district of East Tennessee, at the court-house in Knoxville, on the first Thursday after the third Monday of April next, to answer John Den, a citizen of the State of Virginia, in a plea of trespass, wherefore with force and arms she broke and entered the close of the said John Den, and ejected him, to his damage five hundred dollars, and have then there this writ.

Witness the Honorable John Marshall, Chief Justice of the Supreme Court of the United States.

Upon which writ is the following return by the Marshal, to wit: Came to hand 27th March, 1816, and executed same day.

J. C. LUTTRELL, *D. M.*

The following is the declaration as returned by said Marshal, to wit:

United States of America. Circuit Court, Seventh Circuit and District of East Tennessee.

John Den, a citizen of the State of Virginia, one of the United States of America, by his attorney, complains of Richard Fen, a citizen of the State of Tennessee, and resident in the district of East Tennessee, in custody of the Marshal, of a plea of trespass, wherefore with force and arms he broke and entered the close of him, the said John Den, and ejected him. For this, that a certain David Ross, a citizen of the said State of Virginia, on the twenty-sixth day of March, in the year of our Lord eighteen hundred and sixteen, at, to wit, in the district aforesaid, had demised, granted, and to farm let, to the said John Den, a certain tenement or tract of land, situated in the said State of Tennessee, in the county of Rhea, and district aforesaid, containing five thousand acres, in the Pleasant Garden valley, on the north side of Tennessee river, beginning at three post oaks, corner to Cogby's two thousand acre survey, thence west eight hundred and eighty three poles to a post oak, thence south eight hundred and eighty poles to three white oaks, corner to Donelson and Hackett's two thousand acre survey, thence south eighty-one east eight hundred and eighty-four poles to a stake, thence north nine hundred and forty poles to the beginning, with the appurtenances: to have and to hold to the said John Den and his assigns, from the said twenty-sixth day of March, in the year aforesaid, to the full end and term of ten years from thence next ensuing, and fully to be complete and ended; by virtue of which said demise, the said John Den, afterwards, to wit, on the said twenty-sixth day of March, in the year aforesaid, the said John Den entered into and upon the premises aforesaid, in form aforesaid demised, and was possessed thereof, and being so possessed thereof, the said Richard Fen, afterwards, to wit, on the twenty-seventh day of March in the year aforesaid, at, to wit, in the district aforesaid, entered into the tenement aforesaid, which the said David Ross, in form aforesaid, for the term aforesaid, had demised to the said John Den, his term aforesaid not being expired, and ejected and drove out the said John Den from his said farm, and other wrongs to him did, against the peace of the State, to his damage five hundred dollars; and therefore he sues, &c.

McCAMPBELL, *Att. Pltff.*

JOHN DOE, } *Pledges.*
RICHARD ROE, }

ANNE HACKETT:

I am informed you are in possession of, or claim title to the land mentioned in the above declaration of ejectment, or to some part thereof; and, as I am sued in this action as casual ejector, and having no claim or title to the land, do advise you to appear at a court of the United States to be holden at Knoxville, for the seventh circuit and district of East Tennessee, on the first Thursday after the third Monday of April next, and cause yourself to be made defendant in my room, or I shall suffer judgment to be entered against me by default, and you will be turned out of possession.

Your friend,
RICHARD FEN.

KNOXVILLE, *March 27th*, 1816.

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A copy of the within declaration and notice served on Anne Hackett, the tenant in possession, April 4th, 1816.

J. C. LUTTRELL, *D. M.*

Defendant's Plea, &c.

JOHN DEN, lessee of DAVID ROSS, *vs.* RICHARD FEN. } *United States dist. of E. Tennessee. April rules*, 1816.

Charles McClung, who is admitted to defend in the room and stead of the tenant in possession, upon condition that on the trial of the cause he will confess lease, entry and ouster, and insist on the title only, comes into court and defends the wrong and injury when, &c., and for plea says the said plaintiff his action ought not to have and maintain, because he says he is in no wise guilty of the trespass and ejectment in the plaintiff's declaration mentioned; and of this he puts himself on the country.

MILLER and EMMERSON, *Attorneys.*

And the plaintiff also.

McCAMPBELL, *Att. for Pltff.*

Which cause was continued from term to term, until October term, 1830, when the following proceedings were had, to wit:

JOHN DEN, lessee, &c. *vs.* CHARLES McCLUNG. } *October term*, 1830.

This day came the parties by their attorneys, and thereupon came a jury, to wit: John Mynatt, Augustus Rice, Richard Oliver, Hugh Barton, Richard Mitchell, William T. Gillenwaters, James A. Whiteside, William Brown, Alfred Standifer, William S. Howell, John Skellera, and Henry Leggett, who having been elected, tried, and sworn the truth to speak on this issue joined, upon their oath do say, the defendant is not guilty of the trespass and ejectment in manner and form as the plaintiff has complained.

Whereupon, on motion of the plaintiff by his counsel, a rule is entered to shew cause why a new trial should be granted.

JOHN DEN, lessee, &c. *vs.* CHARLES McCLUNG. } *October term*, 1830.

This day came the parties by their attorneys; and the rule heretofore entered in this cause for a new trial having been argued, it is considered by the court that said rule be discharged, and that the defendant go hence, and recover of the plaintiff the costs which have accrued in this cause.

Whereupon the plaintiff, by his counsel, tendered a bill of exceptions to the opinion of the court in said cause, which bill of exceptions is signed and sealed, and ordered to be made a part of the record in this cause. From which opinion of the court, the plaintiff prays a writ of error to the Supreme Court of the United States; and having entered into bond with John A. McKenney, his security, said writ of error is allowed.

And the said bill of exceptions is as follows, to wit:

Upon which writ is the following return by the Marshal, to wit: Came to hand 27th March, 1816, and executed same day.

J. C. LUTTRELL, *D. M.*

The following is the declaration as returned by said Marshal, to wit:

United States of America. Circuit Court, Seventh Circuit and District of East Tennessee.

John Den, a citizen of the State of Virginia, one of the United States of America, by his attorney, complains of Richard Fen, a citizen of the State of Tennessee, and resident in the district of East Tennessee, in custody of the Marshal, of a plea of trespass, wherefore with force and arms he broke and entered the close of him, the said John Den, and ejected him. For this, that a certain David Ross, a citizen of the said State of Virginia, on the twenty-sixth day of March, in the year of our Lord eighteen hundred and sixteen, at, to wit, in the district aforesaid, had demised, granted, and to farm let, to the said John Den, a certain tenement or tract of land, situated in the said State of Tennessee, in the county of Rhea, and district aforesaid, containing five thousand acres, in the Pleasant Garden valley, on the north side of Tennessee river, beginning at three post oaks, corner to Cogby's two thousand acre survey, thence west eight hundred and eighty three poles to a post oak, thence south eight hundred and eighty poles to three white oaks, corner to Donelson and Hackett's two thousand acre survey, thence south eighty-one east eight hundred and eighty-four poles to a stake, thence north nine hundred and forty poles to the beginning, with the appurtenances: to have and to hold to the said John Den and his assigns, from the said twenty-sixth day of March, in the year aforesaid, to the full end and term of ten years from thence next ensuing, and fully to be complete and ended; by virtue of which said demise, the said John Den, afterwards, to wit, on the said twenty-sixth day of March, in the year aforesaid, the said John Den entered into and upon the premises aforesaid, in form aforesaid demised, and was possessed thereof, and being so possessed thereof, the said Richard Fen, afterwards, to wit, on the twenty-seventh day of March in the year aforesaid, at, to wit, in the district aforesaid, entered into the tenement aforesaid, which the said David Ross, in form aforesaid, for the term aforesaid, had demised to the said John Den, his term aforesaid not being expired, and ejected and drove out the said John Den from his said farm, and other wrongs to him did, against the peace of the State, to his damage five hundred dollars; and therefore he sues, &c.

McCAMPBELL, *Att. Pltff.*

JOHN DOE,
RICHARD ROE, } *Pledges.*

ANNE HACKETT:

I am informed you are in possession of, or claim title to the land mentioned in the above declaration of ejectment, or to some part thereof; and, as I am sued in this action as casual ejector, and having no claim or title to the land, do advise you to appear at a court of the United States to be holden at Knoxville, for the seventh circuit and district of East Tennessee, on the first Thursday after the third Monday of April next, and cause yourself to be made defendant in my room, or I shall suffer judgment to be entered against me by default, and you will be turned out of possession.

Your friend,
RICHARD FEN.

KNOXVILLE, *March 27th*, 1816.

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A copy of the within declaration and notice served on Anne Hackett, the tenant in possession, April 4th, 1816.

J. C. LUTTRELL, *D. M.*

Defendant's Plea, &c.

JOHN DEN, lessee of DAVID ROSS, *vs.* RICHARD FEN. } *United States dist. of E. Tennessee. April rules*, 1816.

Charles McClung, who is admitted to defend in the room and stead of the tenant in possession, upon condition that on the trial of the cause he will confess lease, entry and ouster, and insist on the title only, comes into court and defends the wrong and injury when, &c., and for plea says the said plaintiff his action ought not to have and maintain, because he says he is in no wise guilty of the trespass and ejectment in the plaintiff's declaration mentioned; and of this he puts himself on the country.

MILLER and EMMERSON, *Attorneys.*

And the plaintiff also.

McCAMPBELL, *Att. for Pltff.*

Which cause was continued from term to term, until October term, 1830, when the following proceedings were had, to wit:

JOHN DEN, lessee, &c. *vs.* CHARLES McCLUNG. } *October term*, 1830.

This day came the parties by their attorneys, and thereupon came a jury, to wit: John Mynatt, Augustus Rice, Richard Oliver, Hugh Barton, Richard Mitchell, William T. Gillenwaters, James A. Whiteside, William Brown, Alfred Standifer, William S. Howell, John Skellera, and Henry Leggett, who having been elected, tried, and sworn the truth to speak on this issue joined, upon their oath do say, the defendant is not guilty of the trespass and ejectment in manner and form as the plaintiff has complained.

Whereupon, on motion of the plaintiff by his counsel, a rule is entered to shew cause why a new trial should be granted.

JOHN DEN, lessee, &c. *vs.* CHARLES McCLUNG. } *October term*, 1830.

This day came the parties by their attorneys; and the rule heretofore entered in this cause for a new trial having been argued, it is considered by the court that said rule be discharged, and that the defendant go hence, and recover of the plaintiff the costs which have accrued in this cause.

Whereupon the plaintiff, by his counsel, tendered a bill of exceptions to the opinion of the court in said cause, which bill of exceptions is signed and sealed, and ordered to be made a part of the record in this cause. From which opinion of the court, the plaintiff prays a writ of error to the Supreme Court of the United States; and having entered into bond with John A. McKenney, his security, said writ of error is allowed.

And the said bill of exceptions is as follows, to wit:

Ross's lessee
vs.
McClung. } *Bill of exceptions. October term*, 1830.

Be it remembered, that on the trial of the above named cause, at the present term, the plaintiff produced and read in evidence a patent grant from the State of North Carolina to Stockley Donelson for five thousand acres, a copy of which is hereto annexed, marked A, and made a part of this bill of exceptions, which grant, the plaintiff offered to prove covered the land in dispute in this case; plaintiff then offered in evidence a deed of conveyance from the said Stockley Donelson and John Hackett to David Ross, the lessor of the plaintiff, for five thousand acres, being the same land contained in the aforesaid grant, which deed of conveyance is dated the 9th day of September 1793, and is witnessed by Walter King, Thomas N. Clark, and Meriwether Smith, and of which deed of conveyance a copy is hereto annexed, marked B, and made a part of this bill of exceptions; and on the back of said deed is the following endorsements of probate and registration, viz:

December sessions, 1793. This deed was proven in open court, and ordered to be recorded.

Test, RICHARD MITCHELL. *Clk.*

This conveyance is registered 27th December, 1793, in liber G, page 127, in the Register's office of Hawkins county.

THOMAS JACKSON, *C. R.*

State of Tennessee.

At a court of pleas and quarter sessions began and held for the county of Hawkins, at the court-house in Rogersville, on the 2d Monday of December, 1793—

Present, Thomas Henderson, Isaac Lane, James Berry, and Thomas Amey, Esqrs. A deed of conveyance from Stockley Donelson and John Hackett to David Ross, proved in open court by M. Smith that he saw Donelson sign for himself, and signed as attorney for Haget, and ordered to be registered.

State of Tennessee.

I, Stockley D. Mitchell, clerk of the court of pleas and quarter sessions of Hawkins county, in the State aforesaid, do certify the foregoing to be a true copy from the records of my office. Given under my hand, at office in Rogersville, this 16th day of October, A. D. 1828.

STOCKLEY D. MITCHELL,
Clk. of the court of pleas, &c., for Hawkins county, Tennessee.

To the reading of which deed of conveyance on the probates and registration aforesaid, the defendant objected, and the court sustained their objection, and would not permit said deed to be read. Plaintiff then offered to prove by Meriwether Smith, who was one of the subscribing witnesses to said deed, that he proved the execution of said deed in the court of pleas and quarter sessions for Hawkins county, at December sessions of said court, in the year 1793; and plaintiff also offered to prove by Richard, (*Mitchell* omitted,) whose name was subscribed to the probate on the back of said deed, that he, Richard Mitchell, was the clerk of the court of pleas and quarter sessions for Hawkins county in the year 1793; and that the foregoing deed was the one proved by Meriwether Smith, the subscribing witness thereto, at De-

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cember term of said court, in the year 1793; but the court would not permit said proof to be given in support of the probate of said deed.

Plaintiff offered to prove further, that said deed and grant covered the land sued for, and that Anne Hackett, the defendant, was in possession at the time of the institution of this suit; but said proof was rejected by the court. The jury found a verdict for defendant, and lessor of the plaintiff moved for a new trial, and produced and read the affidavit of Thomas Hopkins, trustee, annexed, marked C; but the court refused a new trial.

Note—While the cause was before the jury, plaintiff offered to read a grant from the State of North Carolina to Stockley Donelson and John Hackett, for five thousand acres of land, dated the 22d day of February, 1795; which last mentioned grant also covered the land in dispute; which grant the court considered as read to the jury.

To which opinion of the court, as well in rejecting the aforesaid deed of conveyance, as the opinion testimony of Meriwether Smith, the subscribing witness to said deed, and of Richard Mitchell as to the probate of said deed, plaintiff excepts in law, and tenders this bill of exceptions, which is signed and sealed accordingly.

JOHN McLEAN, [L. S.]
JOHN McNAIRY. [L. S.]

The following is a copy of exhibit A, referred to in the bill of exceptions.

STATE OF NORTH CAROLINA. No. 209.

To all to whom these presents shall come, greeting:

Know ye, that we, for and in consideration of the sum of ten pounds for every hundred acres hereby granted, paid into our treasury by Stockley Donelson, have given and granted, and by these presents do give and grant, unto the said Stockley Donelson, a tract of land, containing five thousand acres, lying and being in our county of Greene, in Pleasant Garden valley, on the north side of Tennessee river, beginning at three post oaks, corner to Cosby's two thousand acre survey, thence west eight hundred and eighty-three poles to three post oaks, south eight hundred and eighty-three poles to three white oaks, corner to Donelson and Hackett's two thousand acre survey, thence south four east eight hundred and eighty-four poles to a stake, then north nine hundred and forty poles to the beginning, as by the plat hereto annexed doth appear; together with all woods, waters, mines, minerals, hereditaments, and appurtenances, to the said land belonging or appertaining: to hold to the said Stockley Donelson, his heirs and assigns for ever, yielding and paying to us such sums of money yearly, or otherwise, as our General Assembly from time to time may direct. Provided always, that the said Stockley Donelson shall cause this grant to be registered in the Register's office of our said county of Greene, within twelve months from the date hereof, otherwise the same shall be void and of none effect. In testimony whereof, we have caused these our letters to be made patent, and our great seal to be hereunto affixed. Witness Richard Caswell, Esq., our Governor, Captain General, and Commander in Chief, at Kinston, the twentieth day of September, in the twelfth year of our independence, and year of our Lord one thousand seven hundred and eighty-seven.

RICHARD CASWELL.

By his Excellency's command.

Stockley Donelson's grant of 5,000 acres, registered the 16th day of May, 1788.

REGISTER'S OFFICE, 5th SEPTEMBER, 1829.

State of Tennessee, Greene County.

I do hereby certify that this is a true copy of the aforesaid grant and certificate of registration, as the same is recorded in said office. Given under my hand, at office in Greenville, the date above mentioned.

GEORGE BROWN, *Register of Greene county.*

A copy of exhibit B.

This indenture, made this twenty-ninth day of September, in the year of our Lord one thousand seven hundred and ninety-three, between Stockley Donelson and John Hackett, of the county of Hawkins, in the territory of the United States of America south of the river Ohio, of the one part, and David Ross, of the county of Fluvanna, in the State of Virginia, of the other part, witnesseth, that, for and in consideration of the sum of five thousand pounds, current money of Virginia, to the said Stockley Donelson and John Hackett, at and before the sealing and delivery of these presents, the receipt whereof the said Stockley Donelson and Hackett doth hereby acknowledge, and thereof and of every part thereof doth exonerate, acquit, and discharge the said David Ross, his heirs, executors, administrators, and assigns, and every of them, for ever, by these presents, have granted, bargained, sold, aliened, enfeoffed, and confirmed, and by these presents do grant, bargain, sell, enfeoff, and confirm, unto the said David Ross his heirs and assigns forever, one certain tract or parcel of land, containing five thousand acres, be the same more or less, lying and being in the county of Greene, and eastern district, in the Pleasant Garden valley, on the north side of the Tennessee river, bounded as follows: beginning at three post oaks, corner to Cosby's two thousand acre survey, thence west eight hundred and eighty three poles to post oaks, thence south eight hundred and eighty poles to three white oaks, corner to Donelson and Hackett's two thousand acre survey, thence south four east eight hundred and eighty-four poles to a stake, thence north nine hundred and forty poles to the beginning, with all woods, ways, water courses, waters, rights, profits and hereditaments, reversion and reversions, remainder and remainders, rents, services, and issues, of what kind soever, thereunto belonging or appertaining, and all the estate, right, title, interest, claim, and demand, of them, the said Stockley Donelson and John Hacket, either in law or equity, in and unto the said land and every part and parcel thereof: to have and to hold the said land and premises, with the appurtenances, unto the said David Ross, his heirs and assigns for ever, to the only proper use and behoof, of him the said David Ross, his heirs and assigns for ever; and the said Stockley Donelson and John Hackett, for themselves their heirs executors and administrators the aforesaid land, and all and singular the premises, with the appurtenances thereunto belonging, unto the said David Ross, his heirs and assigns, shall and will warrant and for ever defend, free from and against the claim and demand of them, said Stockley Donelson and John Hackett, and their heirs, and against the claim and demand of all and every person or persons whatsoever, having or pretending to have any right or title thereto. In witness whereof, the said

Stockley Donelson and John Hackett hath hereunto interchangeably set their hands and affixed their seals, on the date first above written.

STOCKLEY DONELSON, [L. S.]
JOHN HACKETT. [L. S.]

Signed, sealed, and delivered in presence of
WALTER KING,
THOMAS N. CLARK,
MERIWETHER SMITH.

Endorsed thus: December sessions, 1793. This deed was proved in open court, and ordered to record.'

Test, RICHARD MITCHELL, *C. H. C.*

This conveyance was registered, 27th December, 1793, in liber G, page 127, in the Register's office of Hawkins county, per

THOMAS JACKSON, *C. R.*

State of Tennessee.

At a court of pleas and quarter sessions, begun and held for the county of Hawkins, at the court-house in Rogersville, on the 2d Monday of December, 1793—Present, Thomas Henderson, Isaac Lane, James Berry, and Thomas Amis, Esquires.

A deed of conveyance from Stockley Donelson and John Haskett to David Ross, proved in open court by M. Smith, that he saw Donelson sign for himself, and signed as attorney for Haget, ordered to be registered.

State of Tennessee.

I, Stockley D. Mitchell, clerk of the court of pleas and quarter sessions of Hawkins county, in the State aforesaid, do certify the foregoing to be a true copy from the records of my office. Given under my hand, at office in Rogersville, this 16th day of October, A. D. 1828.

S. D. MITCHELL,
Clk. of the court of pleas, &c., for Hawkins county, Tennessee.

Exhibit C.

The heirs of DAVID ROSS, *vs.* CHARLES MCCLUNG.

Thomas Hopkins maketh oath, that, while acting as the agent of David Ross, say about the year 1813, he agreed to lease a part of this five thousand acre tract of land to a man of the name of Cox, (his Christian name not now recollected.) He agreed to settle down on said land, and hold possession under Ross. In pursuance of said agreement, he entered on the land, and built a small house within its bounds, as shewed me by John Hackett in the latter end of the year 1795, according to the best of my recollection. If that shewing of Hackett, who was one of the original grantees, and went on the land expressly for the purpose of shewing me the bounds as well as the quality of the land, he, Cox, remained thereon for some time, but being threatened by McClung with a suit, he moved off; McClung himself stated to me, he found Cox on the land, and if he remained any longer as Ross's tenant, he would sue him.

THOMAS HOPKINS.

Sworn to in open court, 16th October, 1830.

W. C. MYNATT, *Clk.*

Stockley Donelson's grant of 5,000 acres, registered the 16th day of May, 1788.

REGISTER'S OFFICE, 5th SEPTEMBER, 1829.

State of Tennessee, Greene County.

I do hereby certify that this is a true copy of the aforesaid grant and certificate of registration, as the same is recorded in said office. Given under my hand, at office in Greenville, the date above mentioned.

GEORGE BROWN, *Register of Greene county.*

A copy of exhibit B.

This indenture, made this twenty-ninth day of September, in the year of our Lord one thousand seven hundred and ninety-three, between Stockley Donelson and John Hackett, of the county of Hawkins, in the territory of the United States of America south of the river Ohio, of the one part, and David Ross, of the county of Fluvanna, in the State of Virginia, of the other part, witnesseth, that, for and in consideration of the sum of five thousand pounds, current money of Virginia, to the said Stockley Donelson and John Hackett, at and before the sealing and delivery of these presents, the receipt whereof the said Stockley Donelson and Hackett doth hereby acknowledge, and thereof and of every part thereof doth exonerate, acquit, and discharge the said David Ross, his heirs, executors, administrators, and assigns, and every of them, for ever, by these presents, have granted, bargained, sold, aliened, enfeoffed, and confirmed, and by these presents do grant, bargain, sell, enfeoff, and confirm, unto the said David Ross his heirs and assigns forever, one certain tract or parcel of land, containing five thousand acres, be the same more or less, lying and being in the county of Greene, and eastern district, in the Pleasant Garden valley, on the north side of the Tennessee river, bounded as follows: beginning at three post oaks, corner to Cosby's two thousand acre survey, thence west eight hundred and eighty three poles to post oaks, thence south eight hundred and eighty poles to three white oaks, corner to Donelson and Hackett's two thousand acre survey, thence south four east eight hundred and eighty-four poles to a stake, thence north nine hundred and forty poles to the beginning, with all woods, ways, water courses, waters, rights, profits and hereditaments, reversion and reversions, remainder and remainders, rents, services, and issues, of what kind soever, thereunto belonging or appertaining, and all the estate, right, title, interest, claim, and demand, of them, the said Stockley Donelson and John Hacket, either in law or equity, in and unto the said land and every part and parcel thereof: to have and to hold the said land and premises, with the appurtenances, unto the said David Ross, his heirs and assigns for ever, to the only proper use and behoof, of him the said David Ross, his heirs and assigns for ever; and the said Stockley Donelson and John Hackett, for themselves their heirs executors and administrators the aforesaid land, and all and singular the premises, with the appurtenances thereunto belonging, unto the said David Ross, his heirs and assigns, shall and will warrant and for ever defend, free from and against the claim and demand of them, said Stockley Donelson and John Hackett, and their heirs, and against the claim and demand of all and every person or persons whatsoever, having or pretending to have any right or title thereto. In witness whereof, the said

Stockley Donelson and John Hackett hath hereunto interchangeably set their hands and affixed their seals, on the date first above written.

STOCKLEY DONELSON, [L. S.]
JOHN HACKETT. [L. S.]

Signed, sealed, and delivered in presence of
WALTER KING,
THOMAS N. CLARK,
MERIWETHER SMITH.

Endorsed thus: December sessions, 1793. This deed was proved in open court, and ordered to record.'

Test, RICHARD MITCHELL, *C. H. C.*

This conveyance was registered, 27th December, 1793, in liber G, page 127, in the Register's office of Hawkins county, per

THOMAS JACKSON, *C. R.*

State of Tennessee.

At a court of pleas and quarter sessions, begun and held for the county of Hawkins, at the court-house in Rogersville, on the 2d Monday of December, 1793—Present, Thomas Henderson, Isaac Lane, James Berry, and Thomas Amis, Esquires.

A deed of conveyance from Stockley Donelson and John Haskett to David Ross, proved in open court by M. Smith, that he saw Donelson sign for himself, and signed as attorney for Haget, ordered to be registered.

State of Tennessee.

I, Stockley D. Mitchell, clerk of the court of pleas and quarter sessions of Hawkins county, in the State aforesaid, do certify the foregoing to be a true copy from the records of my office. Given under my hand, at office in Rogersville, this 16th day of October, A. D. 1828.

S. D. MITCHELL,
Clk. of the court of pleas, &c., for Hawkins county, Tennessee.

Exhibit C.

The heirs of DAVID ROSS, *vs.* CHARLES MCCLUNG.

Thomas Hopkins maketh oath, that, while acting as the agent of David Ross, say about the year 1813, he agreed to lease a part of this five thousand acre tract of land to a man of the name of Cox, (his Christian name not now recollected.) He agreed to settle down on said land, and hold possession under Ross. In pursuance of said agreement, he entered on the land, and built a small house within its bounds, as shewed me by John Hackett in the latter end of the year 1795, according to the best of my recollection. If that shewing of Hackett, who was one of the original grantees, and went on the land expressly for the purpose of shewing me the bounds as well as the quality of the land, he, Cox, remained thereon for some time, but being threatened by McClung with a suit, he moved off; McClung himself stated to me, he found Cox on the land, and if he remained any longer as Ross's tenant, he would sue him.

THOMAS HOPKINS.

Sworn to in open court, 16th October, 1830.

W. C. MYNATT, *Clk.*